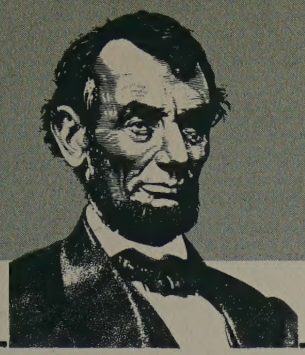

Lincoln Lore

Bulletin of The Lincoln National Life Foundation . . . Dr. R. Gerald McMurtry, Editor
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"The President's Proclamations . . . in earnest are mere bug-a-boos."

"A choice Texas Confederate item" recently offered for sale by a Virginia bookseller has, perhaps, brought to the minds of the readers of the catalogue the celebrated case of the Confederate privateer *Savannah*. This was the case to quote *Harper's Weekly* to "test Mr. Lincoln's Nerve." Editorially, the magazine editor asked in the June 29, 1861, issue: "will he (Lincoln) have the courage to hang the pirate captain?"

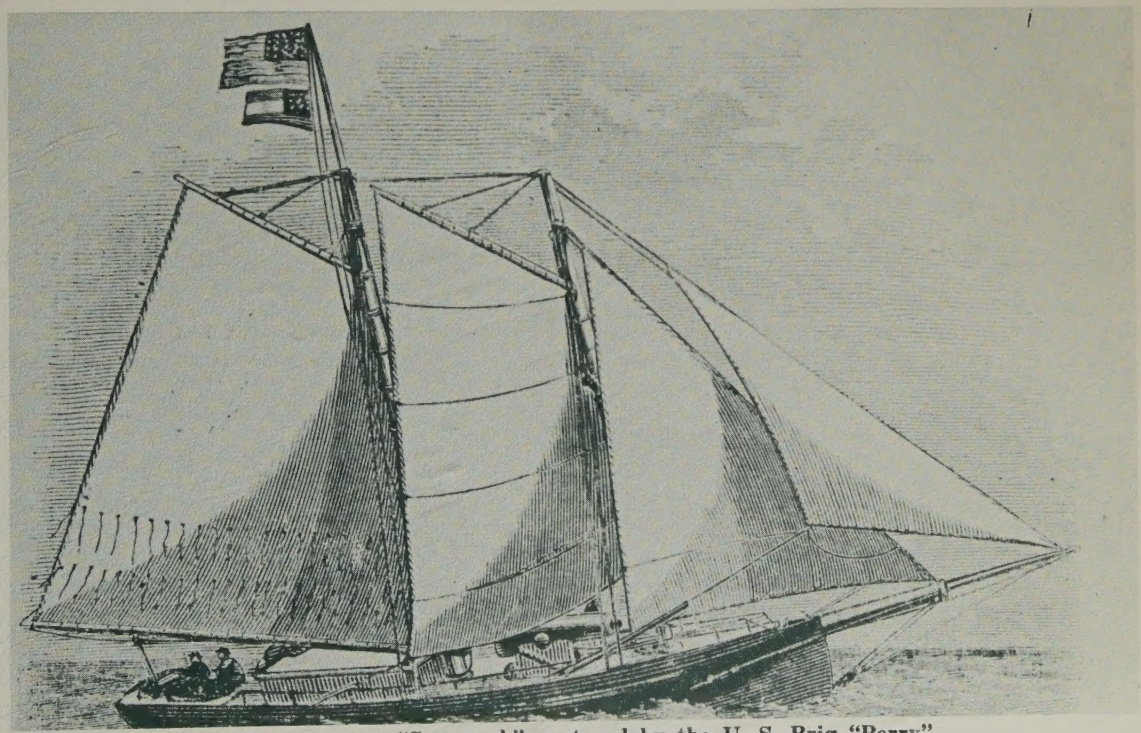
The manuscript offered for sale bears the date of December 9, 1861. It is described as a "document, single page, folio, with original seal of the Department of State of Texas." The Joint Resolution follows: "Resolved by the Legislature of the State of Texas: That we highly approve of the promptness with which the President of the Confederate States has made preparation to retaliate in the event that the Lincoln Government should execute as Pirates, any or all of the Crew of the Privateer *Savannah*, and we express the decided opinion that retaliation should be strictly and rigidly practiced by Our Government in all such cases. Resolved. That the Governor of the State transmit a copy of this resolution to our members in the Confederate Congress and that they lay it before President Davis. (Signed) N. H. Daniell, Speaker, House of Rep's; Jno. M. Crockett, President of the Senate . . ." The document was priced at $125.

The *Savannah*, a Charleston privateer, the first vessel captured bearing a commission from the Confederate government, was taken into the port of New York the latter part of June, 1861, under the charge of a prize crew from the United States brig *Perry*. Some reports, however, state the prize crew was from the frigate *Minnesota*. The *Savannah* had a crew of twenty to twenty-two men. She was a small schooner, pilot rigged, and was said to have been owned by one McDonald, a pilot formerly in the employ of Spofford, Tileston & Co's. line.

Three days prior to the capture of the *Savannah*, that ship had captured the brig *Joseph*, a United States vessel sailing out of Rockland, Maine. The *Joseph* was loaded with sugar or molasses from Cardenas, Cuba, bound for Philadelphia. The captain of the captured vessel was subjected to harsh treatment.

The Confederate privateer transferred a crew of her own men to take over the *Joseph*, and the Union crew of the captured ship was placed on the *Savannah*. The Confederates sent the prize vessel to the nearest port of the Confederate States which was Georgetown, South Carolina. The privateer accompanied the prize vessel all the way to the southern port.

With the prize safely in port the *Savannah* went in quest of another vessel of the United States Merchant Marine. She was well armed having an eighteen pounder



The Privateer "Savannah" captured by the U. S. Brig "Perry"

Harper's Weekly, June 29, 1861, page 413

on a swivel stationed amidship and a large quantity of small arms, with a full magazine and provisions and enough water for a two weeks cruise.

Sighting the brig, *Perry*, the Confederate captain mistook her for a merchantman. The *Perry* had closed her ports to deceive the enemy. Moving rapidly forward for the attack, the *Savannah* was almost in firing distance when she perceived her mistake. As soon as possible the privateer tried to run. The *Perry* followed quickly, and with an exchange of shots the *Savannah* suffered considerable havoc in her rigging. No person was injured on either side. The date of the capture was June 2, 1861, when the Confederate vessel was only thirty-six hours out of Charleston.

When the *Savannah* hove to, she was immediately boarded by a crew of the *Perry*. No resistance was made when the naval officers went to the cabin to secure the ship's papers. Once the crew was inspected it was found that the captain of the *Joseph* had been detained as a prisoner on board the *Savannah*. The crew members were made prisoners and brought on board the *Perry*. Later they were transferred to the *Minnesota* lying off Charleston bar. The crew was put in irons except the captain of the *Joseph*, and one sailor from New York who insisted that he was impressed into the Confederate service.

A prize crew of seven was then detailed to the *Savannah*, and she was sent to New York harbor, arriving there on June 15, under the charge of the master's mate, McCook. She was then surrendered to the custody of the United States marshal. She lay off the battery, with the secession flag flying underneath the Stars and Stripes and attracted considerable attention.

Lincoln in his Proclamation Of A Blockade of April 19, 1861 had declared: "That if any person under the pretended authority of the said (Confederate) States, or under any other pretense, shall molest a vessel of the United States, or the persons or cargo on board of her, such person will be held amendable to the laws of the United States for the prevention and punishment of piracy."

Two days before Lincoln had issued his proclamation, Jefferson Davis on April 17, 1861 issued a proclamation inviting armed vessels to make application for letters of marque and reprisal to be issued under the Seal of the Confederate States. One of the first official acts of the Confederate government, which formally recognized a state of civil war, was this proclamation of Jefferson Davis. This action was later confirmed by "an act" recognizing the existence of war between the United States and the Confederate States, and "concerning Letters of Marque, prizes and prize Goods" which was approved by the Confederate Congress on May 16, 1861 and later amended by one approved May 21, 1861. The whole basic precept of this action was the right of a belligerent.

If the states in rebellion were not a belligerent nation then such piracy cases as the *Savannah* carried the penalty of death. *Harper's Weekly*, June 29, 1861, stated: "In law the case is clear. The privateer was a pirate craft, and every man on board of her was guilty of piracy. It is impossible to conceive a more obviously piratical act than the seizure of the brig *Joseph*, which was taken into Georgetown, South Carolina, by part of the crew of the *Savannah* shortly before her capture. Will the president suffer the law to take its course, or will he interfere to protect the pirates?"

The magazine editor stated that merchants and shipowners: "are trembling in apprehension lest Mr. Lincoln should not have the nerve to carry out his policy, and crush piracy in the bud. Foreigners will decide, from Mr. Lincoln's action in this case, whether the President's proclamations are in earnest or more bug-a-boos."

In a short time the case of the *Savannah* became a *cause celebre*. Then, too, other privateers commissioned by the Confederate government were falling into Union hands. Meanwhile, other Confederate ships carrying letters of marque and reprisal had captured eighteen New England vessels by the end of May, 1861, with their cargoes. All captures during the months of June totaled two million dollars of losses for United States merchants and shippers.

Foreign governments were eager to determine the policy of the United States in regard to the disposition of such so-called cases of piracy. The British attitude toward the case of the *Savannah* was stated by the Earl of Derby. He denied the right of the United States to define piracy when not in agreement with the policy of other nations: "The United States must not be allowed to entertain this doctrine, and to call upon Her Majesty's Government not to interfere. They must not strain the law so as to visit with the penalty of death, as for piracy, persons entitled to Her Majesty's protection." The British policy was based upon England's recognition of the Confederacy as a belligerent, entitled to all the rights of belligerents.

The captain and the crew of the *Savannah* were to be placed on trial in New York charged with piracy. The outcome of this case, which would set a precedent and lead to a frightful retallation by the Confederate government, was carefully watched by Jefferson Davis. So fearful was Davis of the outcome of the trial that he sent Major Taylor of New Orleans under a flag of truce, with dispatches to President Lincoln concerning the fate of the crew of the *Savannah*. Taylor traveling from Manassas Junction appeared at the camp of the Eighth New York Regiment stationed at Arlington, under the command of Colonel Lyons. The dispatches were then forwarded by order of General Scott to headquarters at Washington on July 8, 1861. These dispatches were the first communications that Lincoln had received from Jefferson Davis.

Harper's Weekly had been very alert in reporting all the events pertaining to the piracy case. However, in their July 20, 1861 issue they completely misinterpreted the nature of Colonel Taylor's mission: "What the nature of the document was of course has not transpired, but the greatest anxiety exists in Washington about the affair (the affair is not defined). It was thought that the dispatch arose out of the visit of Mr. May, member of Congress from Baltimore, to Richmond, where he recently proceeded on some mysterious mission under a pass from the president."

It was Jefferson Davis who revealed the nature of the secret dispatch. One week after sending the message to Lincoln he reported to the Confederate Congress that his officer was informed that: "a reply would be returned by president Lincoln as soon as possible" and "I earnestly hope this promised reply (which has not yet been received) will convey assurance that prisoners of war will be treated with regard for humanity."

The letter had informed Lincoln that the schooner *Savannah*, a privately owned and armed vessel, had put to sea with the proper clearance papers of the Confederate States. Davis who had read the New York newspapers expressed his alarm over the fact that the crew of the *Savannah* was not being treated as prisoners of war, but as criminals. Davis wrote: "I could not, without grave discourtesy, have made the newspaper statement the subject of this communication, if the threat of treating as pirates the citizens of this Confederacy, armed for its service on the high seas, had not been contained in your proclamation of the 19th April last."

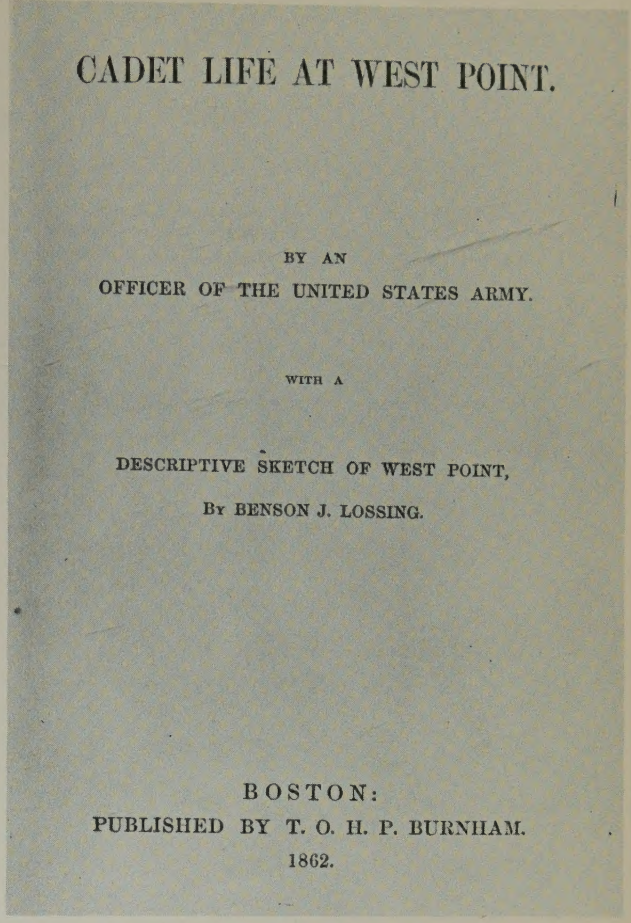
Davis, expressed a desire to conduct the war so that prisoners would be treated with "the greatest humanity and leniency" being furnished subsistence rations such as are issued to Confederate troops." However, he stated that, "if driven to the terrible necessity of retaliation by your execution of any of the officers or crew of the *Savannah*, that retaliation would be extended so far as shall be requisite to secure the abandonment of a practice unknown to the warfare of civilized man, and so barbarous as to disgrace the nation which shall be guilty of inaugurating it." Lincoln did not answer Davis' letter.

The August 10, 1861 issue of *Harper's Weekly* under the heading of "Reprisals" declared that: "Mr. Davis makes the fate of certain United States citizens in his hands depend upon that of the pirates of the *Savannah*. The difference of the cases is that of a duel and a highway robbery. A man about to fight a duel may treat his opponent politely. But it is not expected that anybody shall be polite to a footpad. Therefore the law of nations condemns privateering as piracy. The point is one of policy. Shall we save the lives of heroes now in the hands of the enemy by sparing the lives of the pirates whom they send out to capture our ships and murder the crews

(Continued on page 4)

Two Books Read by The Lincoln Children

Tad Lincoln's book


CADET LIFE AT WEST POINT.

BY AN
OFFICER OF THE UNITED STATES ARMY.

WITH A

DESCRIPTIVE SKETCH OF WEST POINT,
By BENSON J. LOSSING.

BOSTON:
PUBLISHED BY T. O. H. P. BURNHAM.
1862.

Title page of "Cadet Life at West Point."

Among the prized possessions of the Lincoln National Life Foundation there are no items of greater human interest appeal than two books that were once the property of Thomas (Tad) Lincoln and Robert T. Lincoln.

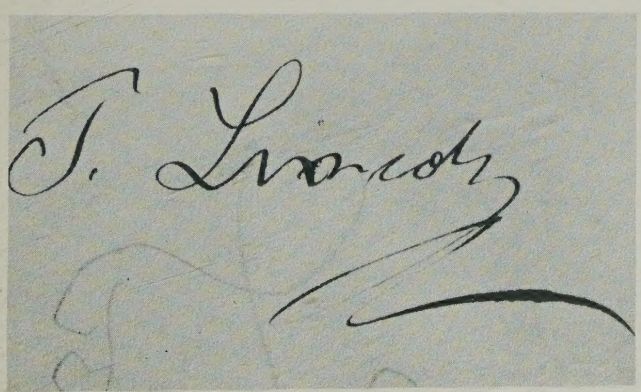
Tad Lincoln's book is entitled *Mrs. Brown's Visit to Paris.* It was written by Arthur Sketchley and was published in London by George Routledge & Sons. The 149-(13) page book bears no date.

The cover page indicates that Mrs. Brown is ludicrously funny, and the book might be classified as a humorous juvenile as is indicated by the preface:

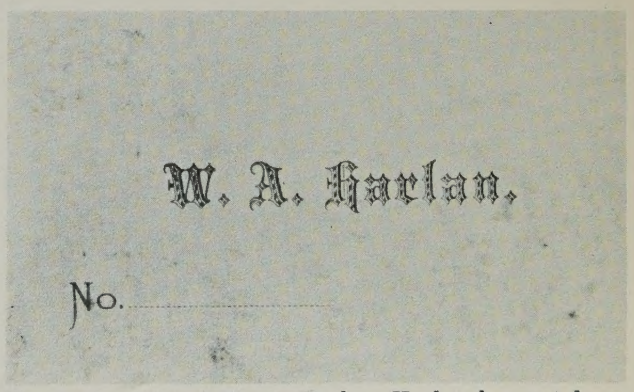
"Mrs. Brown's Visit to the Exhibition at Paris, having excited so much attention, it has been thought that it was due to the public to place within its reach some of the general Parisian experiences of that worthy lady. That Mrs. Brown has had great influence in high quarters is very certain, and her constantly-expressed disapproval of war cannot fail to have a salutary effect upon all the Great Powers of Europe. It is in contemplation to translate all the sayings and doings of Mrs. Brown into all modern languages, for the benefit of those rulers and statesmen whose acquaintance with English may be limited. Meanwhile, the English nation has the monopoly of Mrs. Brown's experiences, and may proudly boast of owning the language in which she clothes her powers of thought."

"A. S."

The preface page bears the signature of T. Lincoln and the inside cover carries the bookplate of W. A. Harlan.



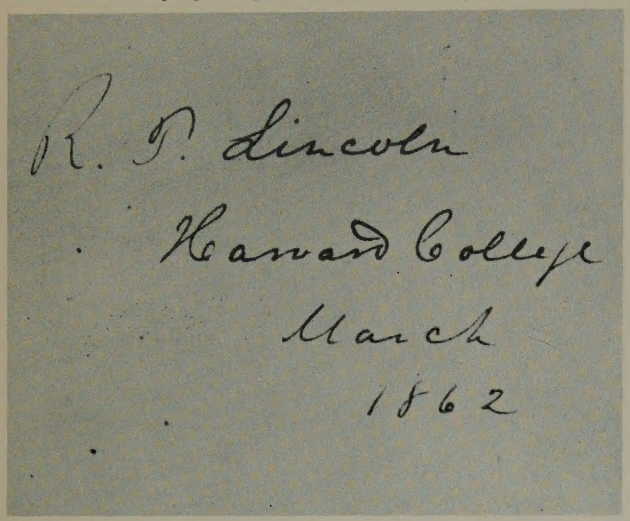
Signature of T. Lincoln on preface page of Mrs. Brown's Visit to Paris.



The book plate of W. A. Harlan. Harlan has not been identified but was likely a relative of the wife of Robert T. Lincoln.

Robert Lincoln's book bears the title *Cadet Life at West Point.* It was written by an Officer Of The United States Army with a *Descriptive Sketch of West Point* by Benson J. Lossing. It was published in Boston in 1862 by T. O. H. P. Burnham. The 367-(3) page work has inscribed on one of the fly-leaves the following: "R. T. Lincoln, Harvard College, March 1862". This book also bears the bookplate of W. A. Harlan on the inside front cover.

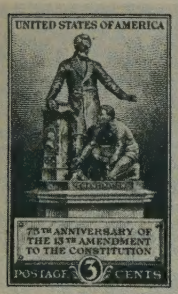
The reading of this book by young Robert Lincoln of Harvard further indicates that he had an interest in a military career, which was hampered somewhat by the mere fact that his father was president and thwarted more effectively by the pleadings of his distracted mother.



Inscription on fly-leaf of "Cadet Life at West Point."

THIRTEENTH AMENDMENT STAMP-1940

3¢ DEEP VIOLET



Scott No. 902

The 3-cent stamp commemorating the 75th anniversary of the Thirteenth Amendment was first placed on sale at the New York World's Fair Post Office on October 20, 1940.

The central design is a reproduction of the statue entitled "Emancipation" by Thomas Ball. Located in Lincoln Park, Washington, D. C., the statue portrays President Lincoln extending his hand over the kneeling form of a slave with the shackles falling from his limbs. All the lettering on the stamp is in architectural Roman. Across the top of the stamp is the wording "United States of America" in a dark color. The base of the statue is partly obscured by a panel containing the inscription on a white background, "75th Anniversary of the 13th Amendment to the Constitution" in dark lettering arranged in three lines. At the bottom of the stamp, on a dark background, is the denomination designation "Postage 3 Cents" in white letters. The numeral is enclosed in an oval frame with scroll-like ornaments on each side.

William A. Roach designed the stamp, while James T. Vail did the letter engraving and Carl T. Arlt the vignette engraving. The stamp's dimensions are 84/100 x 1 44/100 inches, arranged vertically. Printed in purple by the rotary process and issued in sheets of 50, an initial order was placed with the Bureau of Engraving and Printing for 40,000,000.

The date of issuance, Postmaster Frank C. Walker pointed out, was the day the Diamond Jubilee Celebration was being held (October 20, 1940) at the World's Fair in connection with the National Memorial to the progress of the Colored Race in America. It is understood that this group was influential in having the stamp issued.

DEBATE CENTENNIAL

Twenty-five years ago, Dr. Louis A. Warren, former editor of *Lincoln Lore* outlined the seven debates between Abraham Lincoln and Stephen A. Douglas. Those subscribers who have complete or early files of *Lincoln Lore* may wish to review these bulletins this debate centennial year. The bulletins are as follows: No. 228, August 21, 1933; No. 229, August 28, 1933; No. 231, September 11, 1933; No. 232, September 18, 1933; No. 234, October 2, 1933; No. 235, October 9, 1933 and No. 236, October 16, 1933. These issues have long been out of print and are no longer available at the Lincoln National Life Foundation.

"The President's Proclamations . . ."

(Continued from page 2)

if they resist? Do we by so doing make it a war of extermination? If so, who suffers most? The answer to these questions involves very important considerations, which are obvious enough."

Thomas E. Baker, the captain, and the crew of the *Savannah* were arraigned on July 23, 1861 in the United States Circuit Court, for trial, under the indictment charging them with piracy and robbery on the high seas. Judge Shipman was on the bench. Eminent counsel appeared for both the prosecution and the defense. To the indictment, all pleaded not guilty. The district attorney moved for an immediate trial (July 31), but their counsel objected to hurrying their trial. The defense attorneys wanted more time to procure witnesses (one of whom was a citizen of Hamburg, Germany) and documentary proof for their clients. The judge set the third Monday of the October Term for the trial, and the prisoners were remanded into the custody of the United States marshal. Another reason for the delay of the trial was due to the illness of Justice Nelson of the United States Supreme Court, who was sitting with the district judge.

Once the trial got underway in October, tempers had cooled and more important military developments along with the capture on both sides of a great number of prisoners, both military and naval, demanded the attention of the public. The jury, after a consultation of twenty hours, could not agree upon a verdict. Four of the twelve jurors were in favor of an acquittal, while the remaining eight considered the prisoners guilty of some of the counts only. There was only one thing to do with the captured crew—treat them as prisoners of war. In their new status Captain Baker and the nineteen members of the crew of the *Savannah* were transferred from the city prison to Fort Lafayette.

In August 1862, following long negotiations between the United States and the Confederate government for an exchange of prisoners, the *Savannah* privateersmen, together with some seventy or eighty others, were exchanged. The question of their legal status was not thereafter questioned.

The case of the *Savannah* was a diplomatic victory for Jefferson Davis. In this instance the Union Government had treated the Confederate forces as belligerents even though it did not intentionally recognize their belligerency in any strict or formal sense. Lincoln did not wish to begin "a competition in hanging."

However, in all probability, Lincoln did feel that he should have had more cogent advice from his Secretary of State William H. Seward concerning the fine points of international and maritime law. Then he would not have assumed in his Proclamation Of A Blocade of April 19, 1861, to quote Carl Sandburg; "that the United States alone had the power to define as a pirate a privateer on high seas that belong to all nations, and particularly to the British fleet."

—O—

"Andrew Johnson of Tennessee . . . became acting president by the death of Abraham Lincoln. In case of Mr. Johnson's death, removal or disability, Senator Lafayette S. Foster of Connecticut, now president pro tempore of the Senate, would be acting president till a new presidential election should ensue."

Springfield (Mass.) Daily Republican
April 15, 1865